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Testimony of Rep. Mary Mushinsky (D-85) in Opposition to RB 1020, AAC
Water Resources and Economic Development
Before the Commerce Committee February 24, 2011

Recently I completed a term as co-chair of Program Review and Investigations, the bipartisan committee that conducts intense research with a non-partisan staff and then issues recommendations on how the state can operate more efficiently. We issue major reports and last year we proposed legislation on rebuilding the CT economy and improving our workforce. Your committee was pleased to use our recommendations and passed many of them into law. In 2003, before I was appointed to the committee, Sen. Joe Crisco and Rep. Julia Wasserman and committee members investigated the issue of streamflow, and recommended that the state act quickly to create a sustainable system while listening to stakeholders. Their very thorough report is still valuable, and available on the PRI website. This bill, however, destroys years of work since the PRI report of 2003 and the streamflow legislation of 2005, which passed unanimously. RB 1020 is easily the most destructive environmental bill of 2011. It deserves your rejection.

Raised bill 1020 will reverse years of progress reclaiming our fresh waters since the polluted days of the 1960's. It ignores the multi-agency recommendations of the Water Planning Council, which this legislature established in 2001 to begin the stakeholder process. It ignores the average citizens of the state, who spoke out loud and clear in support of regulations to protect Connecticut's freshwater for fishing, swimming and boating in the hot summer months. It is an attempt to end-run a pending decision by the Regulations Review Committee, which is considering these regulations right now. It is a cynical effort in light of the ongoing mediation that is supposed to close the gap between the regulated community and resource advocates in the next few weeks.

The regulated community wants no regulation that interferes with their diverting CT's rivers and streams, yet these waters truthfully belong to all the state's residents. Without

streamflow regulations, the resource will be tapped until it is gone. We already have a long list of impaired CT streams—one in 8 suffer from low flow in summer. Anticipate many more drying up if the Commerce Committee blocks these regulations. We are 3 million people living on 3 million acres—this is a densely populated, old New England state. The attractive features that we still have to compete for business are the high level of education among our residents and a good quality of life. This bill will most certainly harm the second by allowing destruction of our state's water resources, one of the key ingredients of our quality of life. It has been said that healthy, flowing rivers are true economic engines for Connecticut – they boost property values, support business and agriculture, and attract paddlers, anglers and hikers to the state.

The bill inserts DECD and Dept. of Agriculture into a science-based decision. DEP, while properly consulting with these agencies, must not be subject to veto by them while preparing these regulations. They are writing standards for keeping streams and rivers alive—setting minimum flows to maintain aquatic life and public use of the public resource. DEP cannot cede that scientific decision to DECD any more than DECD should cede its global marketing strategies to DEP scientists.

If this bill succeeds in stopping more than 5 years of work on these regulations, towns and citizens will have to resort to lawsuits against upstream diverters. We've seen that story before—Waterbury vs. the surrounding small towns at a cost of millions of dollars. That's how the western states allocate their water resources: in court. We can do better.

Scientifically speaking, we know CT has enough rain and snowfall each year to provide for all of our competing needs. We just have to do a better job of managing this resource by promoting efficiency and rules for sharing water. Financially speaking, we know large diverters will tap and sell streams as much as they can in the absence of rules, until someone downstream sues them. Legislatively speaking, we need to provide the wisdom to follow the recommendations of Program Review and Investigations and the Water Planning Council and let the Regulations Review Committee process and mediation continue to a conclusion. I urge the committee to **reject** this proposal.